



Read: _____
Voted and Adopted: _____
Date Effective: _____

THE TOWN OF CAPITOL HEIGHTS RESOLUTION 2022-06
(Drafted and Introduced by Council Member Renita A. Cason)

**A RESOLUTION TO FUND SEWER AND WATER INFRASTRUCTURE PROJECT
THROUGHT THE AMERICAN RESECUE PLAN**

EXPLANAPPOINTATORY STATEMENT: The purpose of this Resolution is to begin the process and describe the justification of funding sewer and water infrastructure projects through the America Rescue Plan. The projects will consist of replacing the polybutylene pipes in many homes in the Town and addressing the flooding issue on Capitol Heights Boulevard.

WHEREAS, there are several areas in which the American Rescue Plan funds can be used. One is the investment in water and sewer infrastructure. The Town of Capitol Heights homeowners have experienced the effects of damaged, aging and malfunctioning water pipes.

WHEREAS, there are over 500 homes in the Town of Capitol Heights impacted by malfunctioning water pipes. And two or more Town street's structure needs to be addressed to prevent flooding.

WHEREAS, the 500 plus homes in particular are impacted by polybutylene pipes.

Polybutylene is a form of plastic resin that was used extensively in the manufacture of water supply piping from 1978 until 1995. It is most commonly found in new residential construction heavy through the 1980's and early-to-mid 90's. Due to the low cost of the material and ease of installation, **polybutylene** piping systems were viewed as "the pipe of the future" and were used as "the pipe of the future" and were used as a substitute for traditional copper piping.

WHEREAS, the American Rescue Plan will afford the Town of Capitol Heights the ability to assist homeowners of the Town of Capitol Heights with the replacement of the pipes that are no longer being installed in homes throughout the United States.

WHEREAS, the piping systems were used for underground water mains and as interior water distribution piping. Industry experts believe it was installed in at least 6 million homes, and some experts indicate it may have been used in as many as 10 million homes. Most probably, the

pipng was installed in about one in every four or five homes built during the years in which the pipe was manufactured.

WHEREAS, it is believed that oxidants in the public water supplies, such as chlorine, react with the polybutylene piping and acetal fittings causing them to scale and flake and become brittle. The basic structural integrity of the system is reduced. Thus, the system becomes weak and may fail without warning causing damage to the home structure and personal property. It is believed that other factors may also contribute to the failure of polybutylene systems, such as improper installation, but it is virtually impossible to detect installation problems throughout an entire system.

WHEREAS, throughout the 1980's lawsuits were filed complaining of allegedly defective manufacturing and defective installation causing hundreds of millions of dollars in damages. Although the manufacturers have never admitted that poly is defective, they have agreed to fund the Class Action settlement with an initial and minimum amount of \$950 million. The class action settlement was for homeowners who filled a damage claim. Meaning, if the pipe did not break during the period of the class action the homeowners are responsible for making the repairs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR PRO TEMPORE AND TOWN COUNCIL, of the Town of Capitol Heights to fund a polybutylene replacement project by allocating \$550,000.00 (five hundred and fifty thousand dollars) and \$80,000.00 (eighty hundred and dollars) to correct the water issue on Capitol Heights Boulevard.

THE TOWN OF CAPITOL HEIGHTS, by and through its Mayor Pro Tempore and Common Council:

Renita A. Cason
Mayor Pro Tempore
Resolution 2022-06

Rhonda Akers
Councilmember
Resolution 2022-06

Caroline Brown
Councilmember
Resolution 2022-06

LaTonya Chew
Councilmember
Resolution 2022-06

Faith Ford
Councilmember
Resolution 2022-06

Elaine Williams
Councilmember
Resolution 2022-06

ATTEST:

Beverly Hadada, Town Administrator
Resolution 2022-06

Temporarily Vacant
Mayor

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Clerk of the Town of Capitol Heights, Maryland, that on the ____ day of _____ 2021 with _____ Aye votes and _____ Nay votes, the aforesaid Resolution passed.

Robin Bailey-Walls, Town Clerk